

# PRISONER RAPE ELIMINATION ACT OF 2003

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# Prisoner Rape Elimination Act

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- The bill that would become PREA was introduced in 2003 by Congressman Frank R. Wolf of Virginia on April 9, 2003.
- The bill was passed by unanimous consent in the senate on July 21, 2003 and without objection in the house on July 25, 2003. President George W. Bush signed the bill into law on September 4, 2003.

# Prisoner Rape Elimination Act

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- The PREAct was the first bipartisan attempt to take steps at the federal level to combat sexual assaults in prisons and jails across the country.
- The act while having the safety of inmates in mind was also envisioned as a tool to modernize and standardize the deterrence and report of sexual assaults in places of incarceration.

# Institutions that fall under PREA.

## ☐ **Adult**

- ☐ All federal and state adult prisons.
- ☐ All local and county jails.
- ☐ 24 hour or less lock-ups.

## ☐ **Juvenile**

- ☐ All state departments of juvenile corrections.
- ☐ County juvenile detention centers.

# PREA and County Jails

- The PREAct has 50 standards that deal specifically with County Jails and State Prisons.
- These standards detail specific areas in which the county jail must become compliant.
- These standards are separated into specific areas of compliance as follows: **Prevention Planning, Responsive Planning, Training and Education, Screening for Risk of Sexual Victimization and Abusiveness, Reporting, Official Response Following an Inmate Report, Investigations, Discipline, Medical and Mental Care, Audits, Auditing and Corrective Action, State Compliance.**

# Gaining Compliance

- Each agency must appoint a PREA Coordinator to oversee the development and implementation of policies and procedures to comply with PREA.
- The PREA Coordinator will work with PREA compliance managers in each facility to ensure that the policies are being implemented and complied with.

# Determining Compliance

- The Justice Department in cooperation with the National Institute of Corrections and the PREA Resource Center will seek out and train auditors for each state that will go into the facilities to gauge compliance and determine whether the agency has complied with the standards and report this information to the governor and the justice department.

# Penalties for Non-Compliance

- The PREA standards while not mandatory to comply with do have penalties for non-compliance. These include a loss of federal funding for law enforcement agencies and the ineligibility to apply for and receive federal grants or receive a smaller percentage of grants.
- Opening the agency and county entity to the civil liabilities that go along with non-compliance of federal standards.



# Civil Liability

- The amount of civil liability that is generated by not complying with PREA is greater than the costs associated with becoming compliant with the standards.
- Each county can be held financially liable based on not complying with the standards due to the fact that other agencies will follow the standards and be used as comparison in lawsuits.

# Overview and Conclusion



- The Gila County Jail has made every effort to become compliant with PREA, there are three areas that we are non-compliant due to the design of the facility.
- It is in the best interest of all counties to become compliant due to financial penalties and civil liability.